

REMARKS

In the Restriction Requirement mailed December 17, 2008, the claims of the above-identified patent application were restricted as follows:

Group I, claims 4-6 and 11-19, drawn to a composition of a biopesticide.

Group II, claims 7-10, drawn to a method of preparing a composition.

Applicants herein elects, without traverse, the claims of Group I (claims 4-6 and 11-19) for further prosecution at this time. Applicants reserve the right to file divisional applications on the unelected claims pursuant to 35 U.S.C. § 120 and § 121.

Species Election

The Examiner also imposed a species election requirement and requested that the Applicant select one particular adjuvant in the composition of biopesticide as recited in claims 4-6.

Applicant herein elects, without traverse, plant oil among the list of adjuvant disclosed at paragraph 30.

Applicant submits that Claims 4-6 and 11-19 encompass the elected species.

If the Examiner has any questions concerning this application, she is encouraged to contact the undersigned attorney.

**Please charge any fees due with this response to Deposit Account 23-1665 under Customer Number 27267.**

Respectfully submitted,

**DAVID GAUDOUT ET AL.**

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